

**STATE OF NEVADA
BOARD OF EXAMINERS
FOR LONG TERM CARE ADMINISTRATORS**

**SPECIAL BOARD MEETING
PUBLIC HEARING IN THE MATTER OF THE COMPLAINT
AGAINST LORENZA TACOTACO
LICENSE NO. 5971
10:30 A.M.
TUESDAY, JULY 27, 2004
AARP OFFICES
5820 SOUTH EASTERN AVENUE
LAS VEGAS, NEVADA 89119**

MINUTES

THE MEETING WAS CALLED TO ORDER BY THE CHAIRMAN, MARGARET MCCONNELL, AT 10:45 A.M.

TERRY PEDROTTI, EXECUTIVE SECRETARY, WAS ASKED TO CALL THE ROLL. A QUORUM WAS PRESENT.

BOARD MEMBERS:

MARGARET MCCONNELL, CHAIRPERSON
DONNA J. ROSE, SECRETARY/TREASURER
CAROL SALA

MARY ELLEN WILKINSON, VICE CHAIR
TERRY CLODT
DOUGLAS SINCLAIR

STAFF:

CHARLOTTE M. BIBLE, CHIEF DEPUTY ATTORNEY GENERAL
TERRY PEDROTTI, EXECUTIVE SECRETARY

GUESTS:

DIANNA HEGEDUIS, SR, DEPUTY ATTORNEY GENERAL
CHRIS ORME, AG'S OFFICE
PAMELA SANDER, BLC/HEALTH DIVISION
LORENZA TACOTACO, ADMINISTRATOR

3.** HEARING IN THE MATTER OF THE COMPLAINT AGAINST LORENZA TACOTACO, LICENSE NO. 5971, CASE NO. B35824 – CHARLOTTE BIBLE:

MARGARET MCCONNELL STATED THAT CHARLOTTE BIBLE, CHIEF DEPUTY ATTORNEY GENERAL, WOULD PRESENT HER OPENING STATEMENT. THERE WAS NO OPPOSING COUNSEL.

DIANNA HEGEDUIS, SR. DEPUTY ATTORNEY GENERAL, REPRESENTED THE BOARD AS COUNSEL AND ADVISED THE BOARD DURING THE PROCEEDINGS.

MARY ELLEN WILKINSON, VICE CHAIRPERSON, TOOK APPEARANCES.

LORENZA TACOTACO WAS ASKED FOR HER STATEMENT.

COLIN HAYNES, FORMERLY WITH THE ELDER ABUSE DETAIL OF METRO POLICE DEPARTMENT, WAS CALLED AS FIRST WITNESS.

PAMELA SNYDER, FACILITY SURVEYOR II, WAS CALLED AS SECOND WITNESS.

MARGARET MCCONNELL ASKED LORENZA TACOTACO IF SHE WOULD LIKE TO PRESENT HER CASE TO THE BOARD. MS. TACOTACO REITERATED THE WRITTEN STATEMENT SHE HAD MADE ON MARCH 23, 2004 (A COPY IS ATTACHED HERETO AND IS AN INTEGRAL PART OF THESE MINUTES).

AT THE CONCLUSION OF MAKING HER STATEMENT, MARGARET MCCONNELL ASKED IF THE BOARD HAD ANY QUESTIONS THEY WOULD LIKE TO ASK MS. TACOTACO.

MARGARET MCCONNELL ASKED MS. TACOTACO TO CLARIFY THE MEDICAL ADMINISTRATION RECORDS SHE HAD INTRODUCED INTO EVIDENCE. MS. TACOTACO STATED THAT THE FIRST WAS DATED JANUARY 1, 2000, THE NEXT ONE SOMEWHERE IN 2001 – A YEAR AND A MONTH LATER; AND NONE IN BETWEEN. MS. TACOTACO RESPONDED THAT SHE HAD MONTHLY RECORDS, BUT HAD NOT PROVIDED THEM.

CAROL SALA ASKED MS. TACOTACO HOW LONG SHE HAD BEEN ADMINISTRATOR OF RECORD OF THE FAMILY AFFAIR. THE RESPONSE WAS APPROXIMATELY 2 YEARS, AND THAT THE OWNER, ARMENTA REINOEHL HAD BEEN UNCOOPERATIVE. MS. SALA ASKED IF THAT WERE THE CASE, WHY DIDN'T MS. TACOTACO RESIGN AS ADMINISTRATOR SOONER. MS TACOTACO STATED IT WAS BECAUSE MS. REINOEHL OWED HER \$4,000.

DOUGLAS SINCLAIR ASKED MS. TACOTACO AT HOW MANY FACILITIES SHE WAS DISPLAYING HER LICENSE AS ADMINISTRATOR OF RECORD. MS. TACOTACO STATED "ONLY ONE NOW". THE NAME OF WHICH WAS THE CLEVELAND REST HOME.

MARY ELLEN WILKINSON ASKED MS. TACOTACO THE NUMBER OF FACILITIES AT WHICH SHE WAS DISPLAYING HER LICENSE PREVIOUSLY. MS. TACOTACO RESPONDED 3. MS. WILKINSON ASKED IF THOSE WERE IN ADDITION TO HER FULL TIME JOB. MS TACOTACO RESPONDED IN THE AFFIRMATIVE.

CAROL SALA ASKED MS. TACOTACO WHEN SHE WROTE THE MEDICATION RECORDS POLICY TO WHICH SHE REFERRED IN HER CLOSING STATEMENT. MS. TACOTACO STATED IT WAS WHEN SHE BECAME AN ADMINISTRATOR. MS. SALA THEN ASKED IF THAT POLICY WAS IN PLACE WHEN SHE WENT TO THE FAMILY AFFAIR. MS. TACOTACO REPLIED YES. THE NEXT QUESTION FROM MS. SALA WAS IF THAT WAS SO, HOW COULD SHE MAINTAIN THAT POLICY IF SHE WERE ONLY ALLOWED TO VISIT THE FACILITY ONCE A WEEK. MS. TACOTACO STATED THAT WHEN SHE WORKED 8 HOURS PER DAY AT HER FULL TIME JOB, SHE WOULD GO OVER EVERY DAY, BUT WHEN WORKING 12 HOURS PER DAY, SHE WOULD ONLY GO ONCE A WEEK OR TWICE A WEEK.

MARGARET MCCONNELL ASKED MS. TACOTACO IF SHE CONSIDERED IT A PART OF HER RESPONSIBILITY TO MAKE SURE THAT RESIDENTS ARE SAFE AND ARE NOT FINANCIALLY EXPLOITED? MS. TACOTACO STATED THAT YES IT IS HER RESPONSIBILITY.

CHARLOTTE BIBLE ASKED MS. TACOTACO HOW SHE WAS BEING PAID BY MS. REINOEHL. MS. TACOTACO RESPONDED SHE WAS BEING PAID "\$100 PER HEAD" PER MONTH. MS. BIBLE THEN ASKED MS. TACOTACO IF SHE EVER RETURNED HER LICENSES TO THE BOARD WHEN SHE NO LONGER DISPLAYED HER LICENSE AT A FACILITY. MS. TACOTACO RESPONDED THAT SHE NOTIFIED THE BUREAU OF LICENSURE AND CERTIFICATION.

CHARLOTTE BIBLE PRESENTED HER CLOSING STATEMENT IN WHICH SHE DESCRIBED THE CRIME COMMITTED BY THE OWNER OF THE FACILITY, MS. ARMENTA REINOEHL, BUT BECAUSE MS. TACOTACO HAD FAILED IN HER ADMINISTRATION DUTIES AND HAD NOT COMPLIED WITH NAC CHAPTER 449 OR NAC HAPTER 654 BY A LACK OF ATTENTION BY: FAILURE TO CHECK THE RESIDENTS FOR THE ILLEGAL PRACTICE OF THE FACILITY OWNER, LEADING TO "UNPROFESSIONAL CONDUCT" – COUNT 1 OF THE COMPLAINT; AND COUNT 2 OF THE COMPLAINT "FAILING TO MAINTAIN RECORDS AS REQUIRED BY LAW. MS. BIBLE REQUESTED AND RECOMMENDED THAT MS. TACOTACO BE PLACED ON PROBATION FOR 2 YEARS, DO 24 HOURS OF ADDITIONAL TRAINING IN ADMINISTRATION OF RESIDENTIAL FACILITIES FOR GROUPS AND PAY THE COSTS OF THE PROCEEDINGS AND THE INVESTIGATION.

MARGARET MCCONNELL THEN ASKED MS. TACOTACO IF SHE HAD ANY COMMENTS AT THIS TIME.

MS. TACOTACO RESPONDED THAT PERHAPS SHE MIGHT NOT BE ABLE TO AFFORD THE FINE AT THIS TIME, BUT PERHAPS COULD SEND THE MONEY AT A FUTURE TIME.

DIANNA HEGEDUIS, COUNSEL FOR THE BOARD, READ TO THE BOARD THE GROUNDS FOR DISCIPLINARY ACTION, NAC CHAPTER 654.210, CITING THAT THE STATE HAD ASKED THAT MS. TACOTACO BE FOUND TO HAVE FAILED TO PROTECT THE RESIDENTS FROM THE INCOMPETENT, ABUSIVE OR ILLEGAL PRACTICE OF A CAREGIVER UNDER HER SUPERVISION AND CONTROL, WHICH IS "UNPROFESSIONAL CONDUCT", COUNT 1 OF THE COMPLAINT.

DOUGLAS SINCLAIR MOVED THAT THE STATE HAD PRESENTED SUBSTANTIAL EVIDENCE TO SUPPORT THE ALLEGATION, INCLUDING THE FACT THAT THE EMBEZZLEMENT OCCURRED UNDER MS. TACOTACO'S LACK OF SUPERVISION. DONNA ROSE SECONDED THE MOTION, AND IT WAS CARRIED.

DIANNA HEGEDUIS DESCRIBED COUNT 2 OF THE COMPLAINT – "FAILURE TO MAINTAIN RECORDS AS REQUIRED BY LAW", STATING THAT MS. TACOTACO FAILED TO MAINTAIN MEDICATION RECORDS AS REQUIRED BY LAW PURSUANT TO NAC 449.2742 AND NAC 499.2744. SUCH CONDUCT CONTITUATES UNPROFESSIONAL CONDUCT PURSUANT TO NAC 654.210(2)(m) AND IS GROUNDS FOR DISCIPLINARY ACTION, AND REQUESTED A MOTION.

CAROL SALA MOVED THAT THE STATE HAD SUBMITTED SUBSTANTIAL EVIDENCE TO SUPPORT THE ALLEGATION THAT MS. TACOTACO FAILED TO MAINTAIN RECORDS. DOUGLAS SINCLAIR SECONDED THE MOTION. A DISCUSSION FOLLOWED IN WHICH THE FAILURE OF PERSONNEL RECORDS WAS RAISED.

DIANNA HEGEDUIS STATED THAT THE ISSUE OF PERSONNEL RECORDS COULD BECOME A THIRD MOTION, IF THE STATE HAD PROVEN A CASE THAT PERSONNEL RECORDS WERE NOT MAINTAINED.

MARGARET MCCONNELL CLARIFIED THE MOTION TO BE SPECIFIC TO MEDICATION RECORDS AND A THIRD MOTION WOULD BE MADE FOR PERSONNEL RECORDS. THE MOTION WAS CARRIED.

MARY ELLEN WILKINSON MOVED THAT THE STATE GAVE SUBSTANTIAL EVIDENCE TO THE FACT THAT PERSONNEL RECORDS WERE NOT MAINTAINED IN A LAWFUL AND APPROPRIATE MANNER. CAROL SALA SECONDED THE MOTION. THE MOTION WAS CARRIED UNANIMOUSLY AND THE BOARD FOUND LORENZA TACOTACO GUILTY.

MARGARET MCCONNELL STATED THAT THE BOARD WOULD NOW GO TO THE PENALTY PHASE OF THE COUNTS AND DELIBERATE ON APPROPRIATE DISCIPLINE AND ASKED DIANNA HEGEDUIS TO EXPLAIN THE VARIOUS ALTERNATIVES THE BOARD COULD TAKE.

DIANN HEGEDUIS READ FROM NAC 654.220, SUBSECTION 5 THAT STATES, "IF THE BOARD DETERMINES BY FINDING SUBSTANTIAL EVIDENCE THAT THE LICENSEE WAS ENGAGED IN CONDUCT WHICH IS GROUNDS FOR DISCIPLINARY ACTION, IT MAY ORDER THAT THE LICENSEE:

- (a) Be placed on probation for a specified time with conditions that the board considers appropriate.
- (b) Receive a public reprimand.
- (c) Have restrictions placed on his practice, including, without limitation prohibiting the licensee from transporting patients or residents by motor vehicle if the licensee has been convicted for any offense for driving under the influence of intoxicating liquor or a controlled substance.
- (d) Receive a suspension for a specified time or until further order of the board.
- (e) Have his license revoked.
- (f) Participate in a substance abuse program.
- (g) Pay an administrative fine of not more than \$2,500.

COUNT #1 – FAILURE TO PROTECT THE RESIDENT OR PATIENT FROM THE INCOMPETENT, ABUSIVE, OR ILLEGAL PRACTICE OF ANY PERSON.

DOUGLAS SINCLAIR MOVED THAT MS. TACOTACO SHOULD RECEIVE A PUBLIC REPRIMAND. THE MOTION WAS SECONDED BY MARY ELLEN WILKINSON. THERE WAS NO DISCUSSION, AND THE MOTION WAS CARRIED.

COUNT #2 – FAILURE TO MAINTAIN RECORDS REQUIRED BY LAW:

DOUGLAS SINCLAIR STATED THAT HE FELT THAT COUNTS #2 AND #3 SHOULD BE CONSIDERED THE SAME COUNT. DIANNA HEGEDUIS STATED THAT THE THIRD ISSUE COULD BE INCLUDED IN COUNT #2 – IN ADDITION TO FAILURE TO MAINTAIN MEDICATION RECORDS, AND THE RESULT OF A FAILURE TO MAINTAIN EMPLOYEE RECORDS. MR. SINCLAIR WENT ON TO STATE THAT HAD MS. TACOTACO BEEN MORE VIGILANT IN HER DUTIES AS ADMINISTRATOR, PERHAPS THE ENORMITY OR THE ENTIRETY OF THE EMBEZZLEMENT MIGHT HAVE BEEN AVERTED, MR. SINCLAIR WENT ON TO STATE THAT MS. TACOTACO SIMPLY HUNG HER LICENSE AT THE FACILITY AND SHOWED UP AT THE FACILITY WHEN IT WAS CONVENIENT, AND ESPECIALLY HAVING TO CALL FIRST FOR AN APPOINTMENT. MR. SINCLAIR MOVED TO TAKE THE RECOMMENDATION OF COUNSEL TO PLACE MS. TACOTACO ON 2-YEARS PROBATION; DO 24 HOURS OF ADDITIONAL TRAINING; AND PAY THE COSTS OF THE INVESTIGATION AND THE COSTS OF THE PROCEEDINGS. MARY ELLEN WILKINSON SECONDED THE MOTION. MARGARET MCCONNELL REQUESTED A DISCUSSION.

CAROL SALA STATED, FOR THE RECORD, THAT WHILE MS. TACOTACO AS A LICENSED RESIDENTIAL FACILITY ADMINISTRATOR IS ENTITLED TO ALL THE GUIDANCE AND PRIVILEGES PROVIDED IN THE STATUTES, IT APPEARED AS THOUGH, MS. TACOTACO ACCEPTED ALL OF THE RIGHTS, BUT NONE OF THE RESPONSIBILITIES TO PROTECT THE VULNERABLE ELDERLY, AND FELT THAT SHE WOULD RECOMMEND REVOKING THE LICENSE, BUT WOULD GO ALONG WITH THE MAJORITY OF THE BOARD'S DECISION.

DONNA ROSE AGREED WITH MS. SALA.

MARY ELLEN WILKINSON AGREED WITH THE OTHER BOARD MEMBERS, BUT NOTED THAT MS. TACOTACO WAS HOLDING A FULL-TIME JOB IN ADDITION TO DISPLAYING HER LICENSE AS ADMINISTRATOR OF THE FAMILY AFFAIR FACILITY, AS WELL AS TWO OTHER FACILITIES, AND COULD NOT POSSIBLY FULFILL HER RESPONSIBILITIES AS ADMINISTRATOR AND USED EXTREMELY POOR JUDGMENT.

MARGARET MCCONNELL EXPRESSED HER CONCERNS THAT THIS PROBLEM WENT ON FOR 2 YEARS, AND DUE TO LACK OF ASSERTIVENESS OR LACK OF ATTENDANCE TO DUTIES, THE JOB DID NOT GET DONE, AND FELT THAT MS. TACOTACO BLATANTLY DID NOT ASSUME THE PROPER RESPONSIBILITIES.

AT THE CONCLUSION OF THE DISCUSSION, DOUGLAS SINCLAIR REITERATED HIS MOTION THAT MS. TACOTACO'S LICENSE BE PLACED ON PROBATION FOR 2 YEARS; THAT MS. TACOTACO DO 24 HOURS OF ADDITIONAL TRAINING; AND PAY THE COSTS OF THE PROCEEDINGS AND THE INVESTIGATIVE AND LEGAL FEES IN A MANNER TO BE DETERMINED

ONCE THESE FEES ARE DETERMINED AT A LATER DATE. MARY ELLEN WILKINSON SECONDED THE MOTION. THE MOTION WAS CARRIED.

MS. TACOTACO ASKED FOR CLARIFICATION OF THE 24 HOURS OF TRAINING.

MARGARET MCCONNELL STATED THAT THE 24 HOURS OF TRAINING WOULD BE IN ADDITION TO THE 16 HOURS OF REQUIRED CEU'S FOR RENEWAL. MS. MCCONNELL THEN ASKED HOW THE FEES WOULD BE PAID.

CHARLOTTE BIBLE INDICATED THAT THE FEES HAD NOT BEEN CALCULATED, BUT WOULD GIVE MS. TACOTACO AN OPPORTUNITY TO DETERMINE HOW SHE COULD PAY THE FEES.

MARGARET MCCONNELL DESCRIBED THE FEES, NOT A FINE, AND THAT ONCE THEY HAD BEEN DETERMINED, MS. TACOTACO WOULD BE ASKED, IN A LETTER, HOW SHE COULD BEST PAY THEM AND WHEN.

DONNA ROSE ASKED FOR A POINT OF CLARIFICATION ON THE 24 HOURS OF TRAINING AND WOULD THIS BE FOR THE 2 YEARS WHILE CURRENTLY OPERATING, THIS COULD GO ON FOR 4 YEARS. MS. ROSE STATED SHE WOULD LIKE TO AMEND THE MOTION.

DIANNA HEGEDUIS ADVISED THAT THE MOTION COULD BE AMENDED AS A POINT OF CLARIFICATION AS TO THE TIME AND TYPE OF THE 24-HOUR TRAINING.

A DISCUSSION FOLLOWED IN WHICH THE BOARD SUGGESTED VARIOUS FORMS OF TRAINING BUT DECIDED THAT THE MANDATORY ALFA MANAGEMENT TRAINING SYSTEM REQUIRED OF ALL NEW APPLICANTS WOULD BE THE APPROPRIATE HOME STUDY COURSE, AND MS. TACOTACO WOULD BE REQUIRED TO TAKE AND PASS THE NATIONAL NAB RC/AL EXAMINATION ALSO REQUIRED OF ALL NEW APPLICANTS.

DIANNA HEGEDUIS SUGGESTED THAT DOUGLAS SINCLAIR REPEAT THE MOTION WITH THE AMENDMENT, AND REITERATED THE PENALTIES: COUNT #1 – PUBLIC REPRIMAND; COUNT #2 - THAT MS. TACOTACO'S LICENSE BE PLACED ON 2 YEARS OF PROBATION, THAT IN LIEU OF 24 HOURS OF TRAINING, SHE OBTAINS THE ALFA TRAINING MATERIALS AND TAKE AND PASS THE NATIONAL NAB EXAM WITHIN 6 MONTHS FROM THE DATE THE ORDER IS SIGNED; AND PAY THE INVESTIGATIVE FEES AND COSTS OF THE PROCEEDINGS, AND THE METHOD OF PAYMENT WHICH WILL BE DETERMINED AT A LATER DATE. DOUGLAS SINCLAIR REPEATED THE MOTION WITH THE AMENDMENT. IT HAD PREVIOUSLY BEEN SECONDED BY MARY ELLEN WILKINSON. THE MOTION WAS CARRIED.

MARGARET MCCONNELL ASKED MS. TACOTACO IF SHE UNDERSTOOD. MS. TACOTACO STATED SHE UNDERSTOOD THE 2-YEARS PROBATION AND THE 24 HOURS OF TRAINING.

DOUGLAS SINCLAIR REMINDED HER THAT THE 24 HOURS OF TRAINING HAD BEEN ELIMINATED AND THAT SHE WOULD NOW BE REQUIRED TO OBTAIN THE TRAINING MATERIALS AND TAKE AND PASS THE NATIONAL EXAMINATION. MS. TACOTACO THEN STATED SHE UNDERSTOOD THE FINE, AS WELL.

DIANNA HEGEDUIS CLARIFIED FOR MS. TACOTACO THAT THE BOARD COULD HAVE IMPOSED A \$2,500 FINE, BUT DID NOT DO SO, BUT SHE WOULD BE CHARGED FOR THE COSTS OF THE PROCEEDINGS.

MARGARET MCCONNELL EXPLAINED THAT THE BOARD'S OFFICE WOULD BE IN CONTACT WITH MS. TACOTACO RELATIVE TO CARRYING OUT THE BOARD'S DECISIONS.

MS. MCCONNELL REQUESTED A MOTION TO ADJOURN.

DOUGLAS SINCLAIR MOVED TO ADJOURN THE MEETING AT 1:58 P.M. DONNA ROSE SECONDED THE MOTION. THE MOTION WAS CARRIED.

RESPECTFULLY SUBMITTED:

TERRY PEDROTTI, EXECUTIVE SECRETARY

DONNA ROSE, SECRETARY/TREASURER